

A Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, New York was held on Monday, July 21, 2008 at the Municipal Building, Van Wyck Street, Croton-on-Hudson, New York.

The following officials were present:

Mayor Schmidt	Trustee Brennan
Trustee Olver	Trustee Gallelli
Attorney Feldman	Treasurer/ Acting Manager Zambrano

The following officials were absent: Trustee Konig

1. CALL TO ORDER

Mayor Schmidt called the meeting to order at 8:10p.m. Everyone joined in the Pledge of Allegiance.

2. APPROVAL OF VOUCHERS:

Trustee Brennan made a motion to approve the vouchers as follows; the motion was seconded by Trustee Gallelli and approved unanimously.

Fiscal Year 2008-2009

General Fund	\$34,405.63
Water Fund	630.05
Sewer Fund	92.12
Capital Account	
Trust & Agency	909.00
Total	36,036

3. Mayor Schmidt announced that Rudy Fasciani was a recipient of a NYCOM Public Service Award for 30 years of service to the Village of Croton on Hudson. Mayor Schmidt thanked Rudy for all his hard work; he is a dedicated member of our staff and we are proud of the work that he does for the Village.

4. PUBLIC HEARINGS

- a. Mayor Schmidt opened the Public Hearing to consider Introductory Local Law No. 3, amending the Steep Slopes Chapter.

David Stolman from F.P. Clark Associates and Lester Steinman from Wormser, Kiely, Galef and Jacobs gave an overview of the proposed Local Law.

Mr. Stolman stated that the new law:

- is a more conventional law than what the Village had before
- has been tailored to the Village of Croton
- includes a section on definitions that specifically defines Steep Slopes
- includes a section on applicability and how this chapter applies to various conditions
- includes a number of review standards
- is more regulatory than the current Steep Slopes Chapter
- includes a section on the application materials that are required to be submitted
- includes a section on review and decision making by the approval authorities
- includes a procedure that the application must go through with the approval authority
- includes an appeals section
- includes a section on how the work gets completed
- includes a section on enforcement and penalties for non-compliance

Eliezer Becker, 137 N. Riverside Avenue, stated that he is against any amendment to the current law that is less restrictive, that allows further development and further density and will in fact lower property values. Mr. Becker said that in his opinion the definitions in the current law regarding moderate, very steep and extremely steep are better than the current definitions. Mr. Becker said that he is concerned that the review process for smaller developments will be taken away from the Planning Board and directly given over to the Village engineer for review. Mr. Becker said that this new law takes away a level of review that the Village should have as a community and is concerned that by taking away that level the community would be unaware of these applications.

Lester Steinman from Wormser, Kiely, Galef and Jacobs, stated that when reviewing the current law with Frederick P. Clark they did not find it very protective of the environment at all, the old law basically established thresholds up to which buildings could take place without any regulation or without any mitigation. Mr. Steinman said that as to applications that exceeded the threshold there were a variety of exemption provisions that allowed those developments to go forward. Mr. Steinman stated that with respect to the Planning Board's jurisdiction in the old law, the only mention of the Planning Board is in connection with applications for site plan or sub-division approval and under the new law the approving authority is the Planning Board. Mr. Steinman stated that the Planning Board is also the authority for any application that involves the construction of a principal building or use and for any regulated disturbance in the area of very steep or extremely steep slopes. Mr. Steinman stated that the Planning Board will have more jurisdictions under the proposed legislation than it did under the old legislation.

David Stolman, Frederick P. Clark, stated that the new law is also more protective of the environment.

Trustee Gallelli asked Mr. Steinman to clarify if there is a vacant piece of property that is going to be developed it would automatically go under purview of the Planning Board even if it is a minor site plan review and if there is a steep slopes issue it will also be covered by the Planning Board.

Mr. Steinman responded by saying yes.

Christina Alexopoulos, 114 Old Post Road, asked why this amendment is occurring.

Mayor Schmidt stated that the Board has been reviewing all of the environmental laws that govern the Village because the Board felt that some of them had severe weaknesses in them and this is an attempt to clean up some of these laws to make them more protective to the environment. Mayor Schmidt said that this law is much more definitive and will make it easier for staff and the approving Boards to work with. Mayor Schmidt stated that some of laws that have been passed make it much more restrictive because there are more rules and regulations that have to be met if someone wants to build in the Village.

Mr. Stolman stated that he has never seen a Steep Slopes Law like the one that Croton currently has on the books. Mr. Stolman said that what is being proposed is a much more conventional way of doing things and protecting the environment in 2008. Mr. Stolman stated that it is a better chapter from many points of view and that is why it is being proposed.

Mayor Schmidt asked Mr. Stolman to give some examples of why this law is better than the old one.

Mr. Stolman stated that the proposed chapter has real standards and practices and explanations on how steep slopes should be handled when and if construction is approved as opposed to the current chapter which is devoid of this. Mr. Stolman said that the chapter being proposed has two full pages of review standards wherein the current law was two pages in total. Mr. Stolman advised that the application requirements for submitting a proposal is very clear with a whole series of criteria and conditions for the approving agency to use and require as part of the Steep Slopes Permit approval process.

Trustee Gallelli asked how this law will change residents from asking the question "how did a house like that get built?" Trustee Gallelli stated that in the previous law there were thresholds and if you didn't reach those thresholds then it was a clear pass which is how those houses got approved. Trustee Gallelli said that under the new law there are no thresholds like that, everyone is "under the gun" and as part of the whole process every property would have to meet these review standards.

Mr. Stolman said that Trustee Gallelli's statement is correct. Mr. Stolman said that the current law listed amounts of disturbance that could not be exceeded and if those properties did not exceed that amount there were no explanation as to how the steep

slopes would be handled and how that house should be constructed. Mr. Stollman added that there was also no regulatory framework for how that house should be dealt with which allowed people to build on steep slopes.

Trustee Gallelli asked that they elaborate what instances the Village Engineer would be able to make a decision on his own without Planning Board approval.

Mr. Steinman said that the Village Engineer's approval would be on accessory uses on a single family lot not otherwise subject to site-plan or other types of review by the Planning Board provided that the accessory use does not get involved in very steep or extremely steep slopes. Mr. Steinman said that it would only be a moderately steep slope accessory use.

Trustee Brennan said that minor site plans and sub-divisions will still be subject to Planning Board approvals.

Mayor Schmidt said that these accessory structures, not principal buildings, including garages and swimming pools that do not disturb any steep slopes would stay under the Village Engineer's approval.

Mr. Stolman commented that more applications would go before the Planning Board then under the current chapter.

Mayor Schmidt stated that the proposed Steep Slopes Law is intended to protect the environment; the law is not intended to prevent someone from building on an area that has slopes but rather to be able to mitigate what needs to be done if it is possible to build on that site; insuring that the development takes place properly and that the environmental impacts are properly mitigated.

Trustee Gallelli asked if there are legal implications of preventing people to build on steep slopes?

Mr. Steinman said that potentially if you have a previously approved lot and you cannot construct anything on that lot or make any reasonable use of that lot without a Steep Slopes Permit and a permit is denied the property owner can conceivably bring a claim against the Village.

Mayor Schmidt said that we may see lots that cannot be built on because they are so steep that it would be impossible to build on.

John Kolbrener, 15 Arlington Avenue, stated that his concern is that under the old law there is a cut-off of 25% where you don't get anything and after that you have to get a variance, but under the new law the cut-off goes up to 35% and fears that the new law is changing what is permitted "as of right" and is opening the door saying that you can do more "as of right" without even getting to the point where a property owner would have to appear before a Board asking for a variance. Mr. Kolbrener

said that this law will enable a few people in this community to maximize the value of their property at the expense of everyone else.

Mr. Steinman stated that under the old law there was an opportunity to build "as of right" without any review and regulation on slopes between 15-20% and you could develop up to 25% of that slope "as of right" and on slopes in excess of 25% you could develop up to 10% of that slope "as of right". Mr. Steinman stated that under the proposed legislation there is no "as of right" development; there are applications and criteria that must be met, and a thorough review process. Mr. Steinman said that a weakness in the current law is that it lacks the standards, procedures, and elements that are essential to a proper Steep Slopes Law in the year 2008.

Attorney Feldman asked if the regulations are more protective for extremely steep slopes under the proposed law than it is under the current law?

Mr. Steinman responded by saying yes.

Hugh Flynn, 15 Prospect Place, Croton, stated that he is concerned about his privacy and quality of life if the property behind him is sold. Mr. Flynn asked what assurances he has that his quality of life is not going to be interrupted and interfered with.

Mayor Schmidt said that the Village is also concerned and this is why the Board has gone through this process because we were concerned about the weaknesses in our current laws. Mayor Schmidt said that all the laws that have been changed have made it harder for people to build because of the tougher standards. Mayor Schmidt said that this law gives greater clout on how the Village mitigates all of the effects that development may have on the environment and will allow residents to have a greater part in the review process.

Mr. Becker, asked how many small lots fall within the moderate slope criteria and what percentage fall within the steeper or extreme slopes criteria because the steep and extreme slopes seem to be better protected and feels that the residents would be better protected under the current law because there are more moderate slopes throughout the Village. Mr. Becker wanted to know what the original intent of the slope law is other than protecting the environment because it clearly states in the proposed law that "specific regulations for development and density outside conventional zoning controls are needed" which clearly indicates that they have this in mind.

Mr. Stolman stated that they do not know the breakdown of the categories of the various steep slopes throughout the Village but in terms of density the legislative purpose is quite extensive and includes everything that the prior law was intended to include.

Mr. Steinman stated that the ability to sub-divide the lot is not a function of the Steep Slopes Law it is a function of the Village's Sub-Division Regulations and that would be governed by the Planning Board.

Mayor Schmidt closed the Public Hearing.

On motion of TRUSTEE Gallelli, seconded by TRUSTEE Olver, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York: Trustee Brennan abstained.

WHEREAS, the Village has hired Frederick P. Clark Associates and Wormser Kiely Galef & Jacobs to help with the revisions of the Village's environmental laws; and

WHEREAS, a new chapter 195 on Steep Slope Protection has been drafted; and

WHEREAS, this law has been reviewed by Village staff, the Planning Board, and the Conservation Advisory Council, and has been discussed at a Board of Trustees work session; and

WHEREAS, a Full Environmental Assessment Form has been drafted,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby determine, based on the Environmental Assessment Form submitted to and reviewed by the Board, that this is an unlisted action,

AND BE IT FURTHER RESOLVED: that based upon the Environmental Assessment Form, the Village Board of Trustees hereby adopts the attached Negative Declaration with respect to this matter.

Trustee Brennan said that he feels this is a good law that will protect the environment but he will not vote on this legislation because he owns property in the Village that may be subject to review.

Trustee Gallelli stated that the objective has always been to improve the environmental situation in the Village and that is why the Wetlands Laws and Storm Water Laws have been tightened up also.

Trustee Olver stated that this new legislation is clearly intended to improve our ability to protect the environment and the community. Mr. Olver stated that he felt that the new legislation is drafted in such a way that it is complex and difficult to understand and, if adopted, he is concerned that there is scope for misinterpretation, disagreement and difficulty and hopes that we can try to use simpler and more direct language whenever possible so that our goals are absolutely clear and not capable of being misinterpreted.

Mayor Schmidt said that he feels very strongly that we are doing a much better job of passing laws that protect the Village from an environmental standpoint.

On motion of TRUSTEE Gallelli, seconded by TRUSTEE Olver, the following Local Law was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York: Trustee Brennan abstained.

Local Law No. 3 of the year 2008

A local law in relation to regulation, preservation and protection of steep slopes.

Be it enacted by the Board of Trustees of the

Village of Croton-on-Hudson as follows:

SECTION 1. Chapter 195 of the Code of the Village of Croton-on-Hudson entitled "Steep Slope Protection" is repealed.

SECTION 2. A new Chapter 195 of the Code of the Village of Croton-on-Hudson entitled "Steep Slope Protection" is added to read as follows:

Chapter 195: STEEP SLOPE PROTECTION

ARTICLE I
General Provisions

§ 195-1. Legislative findings.

The Village Board of the Village of Croton-on-Hudson finds and declares it to be the public policy of the Village to preserve, protect and conserve its steep slopes so as to maintain and protect the natural terrain and its vegetative features, preserve wetlands, water bodies and watercourses, prevent flooding, protect important scenic views and vistas, preserve areas of wildlife habitat, provide safe building sites and protect adjoining property by preventing surface erosion, creep and sudden slope failure. In this connection, the Village Board finds as follows:

- A. Protection of steep slopes is a matter of concern to the entire Village. The establishment of regulatory and conservation practices to prevent disturbance of steep slopes is needed to protect the public health, safety and general welfare. Experience has demonstrated a need for effective

- protection of steep slopes, including careful review and regulation and the implementation of stringent mitigation measures where, in the opinion of the approving authority, no practicable alternative to such disturbance exists. However, in all cases where the approving authority determines that total avoidance of steep slopes is not practicable, such disturbance should constitute the minimum disturbance necessary to ensure the property owner a reasonable use of his property.
- B. The improperly managed disturbance of steep slopes can aggravate erosion and sedimentation beyond rates experienced in natural geomorphological processes. Erosion and sedimentation often include the loss of topsoil, a valuable natural resource, and can result in the disturbance of habitats, degradation of the quality of surface water, alteration of drainage patterns, the gulying of land, obstruction of drainage structures and intensification of flooding both on and off the subject site.
 - C. The inadequately controlled disturbance of steep slopes can lead to the failure of slopes and the mass movement of earth, danger to the natural environment, man-made structures and the safety of persons, and the degradation of aesthetics.
 - D. Steep slopes, including vegetation and rock outcroppings located thereon, are important environmental features that contribute significantly to the visual impression one forms while traveling through Croton-on-Hudson. Areas that are highly visible from the roadways are particularly important in maintaining the Village's semi-rural character. Overdevelopment of or improperly managed disturbance to these areas are detrimental to the visual character of the Village.
 - E. Regulation of disturbance to steep slopes is consistent with the legitimate interests of landowners to make reasonable use of their land. Regulation can prohibit the degradation of these important environmental features and allow the reasonable use of private property by encouraging flexible development design so as to avoid disturbance of steep slopes. Regulation can also permit environmentally sound disturbance of steep slopes, conducted in accordance with acceptable engineering practices, to permit reasonable use of private property.
 - F. To mitigate the potential adverse impacts of development on steep slopes, the approving authority should seek the permanent preservation of such areas by such means as the use of imaginative and innovative site design, including the application of §7-738, Subdivision Review; Approval of

Cluster Development, of the New York State Village Law, and the establishment of conservation easements and other land preservation techniques.

§ 195-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ANGLE OF REPOSE — The maximum angle at which the exposed face of various soil and rock materials can deviate from the horizontal without incurring the likelihood of a slope failure.

APPLICANT — Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof, filing an application pursuant to this chapter.

APPROVING AUTHORITY — The Village agency or public official empowered to administer the permit procedures of this chapter, as specified in §195-5 hereof.

BUILDING INSPECTOR — The Building Inspector of the Village of Croton-on-Hudson, New York, or his or her authorized representative.

DISTURBANCE — The removal of vegetation, except as specifically permitted in § 195-3B herein, or the filling, excavation, regrading or removal of soil, rock or retaining structures in areas of steep slope, whether by manual labor, machine or explosive. The condition of disturbance will be deemed to continue until the area of disturbance is revegetated and/or permanently stabilized.

DISTURBED AREA — Any steep slope area for which a disturbance is proposed or is ongoing.

PERSON — Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

PLANNING BOARD — The Planning Board of the Village of Croton-on-Hudson.

STEEP SLOPE:

- A. Any geographical area, whether on a single lot or not, having a topographical gradient of 15% or greater (ratio of vertical distance to

horizontal distance), with a minimum horizontal dimension of 10 feet, whether man-made or natural, and whether created by a retaining structure or not. Steep slopes are further categorized as:

- (1) MODERATELY STEEP SLOPE — A slope equal to or greater than 15% but less than 25%.
- (2) VERY STEEP SLOPE — A slope equal to or greater than 25% but less than 35%.
- (3) EXTREMELY STEEP SLOPE — A slope equal to or greater than 35%.

STEEP SLOPE PERMIT — The written form of Village approval granted by the approving authority and required by this chapter for the issuance of a work permit and the conduct of any steep slope regulated activity.

VILLAGE ENGINEER — The person employed as a Village Engineer of the Village of Croton-on-Hudson, or his or her designee.

WORK PERMIT — The written approval issued by the Building Inspector permitting the actual commencement and continuation of work within a steep slope regulated area, consistent with the conditions, terms and requirements of the steep slope permit issued by the approving authority.

ARTICLE II

Regulated Activities and Review Standards

§ 195-3. Applicability.

- A. Regulated activities. Other than an exempt activity as defined in § 195-3B hereof, it shall be unlawful to create a new steep slope or create a disturbance to an existing steep slope, in an amount equal to or greater than the areas described in subsections (1) through (4) below or in an amount equal to or greater than 50% of any existing individual lot area, in the absence of a steep slope permit issued by the approving authority and a work permit issued by the Building Inspector.

- (1) Steep slope areas.

- (a) Moderately Steep Slope – Proposed new steep slope and/or disturbance covering a minimum horizontal area of 3/10 of an acre or 13,068 square feet.
 - (b) Very Steep Slope – Proposed new steep slope and/or disturbance covering a minimum horizontal area of 2/10 of an acre or 8,712 square feet.
 - (c) Extremely Steep Slope – Proposed new steep slope and/or disturbance covering a minimum horizontal area of 1/10 of an acre or 4,356 square feet.
- (2) The most steeply sloped area that meets the minimum area threshold, as specified above, shall determine approving authority jurisdiction and review procedures.
- (3) If the areas of proposed disturbance within each of the three categories of steep slope are individually less than the minimum areas defined above, then the area of all contiguous steeply sloped areas proposed for disturbance shall be merged as specified herein. A steep slope area shall be regulated pursuant to the provisions of this chapter if the total of all such steeply sloped areas proposed for disturbance, as adjusted according to the weighting factors identified below, exceeds a sum of 3/10 of an acre or 13,068 square feet.

Moderately steep slope area X 1.0
+ Very steep slope area X 1.5
+ Extremely steep slope area X 3.0
= Total weighted area

- (4) If no category of steep slope meets or exceeds the minimum area requirement for a steep slope, but the total weighted area of two or more slope categories exceeds 13,068 square feet (3/10 acre), then the single slope category that has the largest area after the application of the relevant weighting factor shall determine approving authority jurisdiction and review procedures.
- B. Exempt activities. The following activities on steep slopes do not require the issuance of a permit:
- (1) Normal ground maintenance, including mowing, trimming and pruning of vegetation and removal of dead or diseased vegetation,

provided that such activity does not involve regrading and further provided that such activity conforms with all other applicable ordinances, laws and regulations.

- (2) The disturbance to steep slopes under temporary emergency conditions, as determined by the Village Engineer, where such disturbance is necessary to protect persons or property from present and imminent danger.

§ 195-4. Review standards.

A. In granting a steep slope permit under this chapter, the approving authority shall apply the following standards:

- (1) That the proposed activity and the manner in which it is to be accomplished are in accordance with the purpose and findings set forth in § 195-1 of this chapter.
- (2) That the proposed activity and the manner in which it is to be accomplished can be completed without increasing the possibility of creep or sudden slope failure and will minimize additional erosion to the maximum extent practicable.
- (3) That the proposed activity and the manner in which it is to be accomplished will not adversely affect the preservation and protection of existing wetlands, water bodies, watercourses, floodplains, or any endangered species of flora or fauna.
- (4) That the proposed activity and the manner in which it is to be accomplished can be completed in such a way so as not to adversely affect existing, proposed or potential future wells or sewage disposal systems.
- (5) That the proposed activity and the manner in which it is to be accomplished are consistent with the principles and recommendation of the Village Comprehensive Plan adopted by the Village Board.
- (6) Lot layouts shall be designed so that sanitary sewage disposal systems entirely avoid areas of very steep slope and extremely steep slope and are in compliance with all standards and regulations of the Westchester County Health Department.

- (7) The padding or terracing of building sites shall be evaluated on a site-by-site basis for appropriateness. The mounding of septic tile fields shall be minimized to the maximum extent practicable.
- (8) The alignment of roads and driveways shall follow the natural topography, minimize regrading and, in the case of roads, shall comply with design standards for maximum grades set forth in the Village Code.
- (9) The natural elevations and vegetative cover of ridge lines shall be protected from disturbance to the maximum extent possible.
- (10) All regrading shall blend in with the natural contours and undulations of the land.
- (11) Cuts and fills shall be rounded off to eliminate sharp angles at the top, bottom and side of regraded slopes.
- (12) The angle of cut and fill slopes shall not exceed the natural angle of repose of the soil or rock materials in the cut or fill, except where retaining walls or other structural stabilization is used. Generally for soils, cut and fill slopes should be not steeper than two horizontal to one vertical (50% slope).
- (13) Fill slopes shall avoid all slopes of two horizontal to one vertical (50% slope) or steeper. The toe of the fill slope shall not be located within 12 feet horizontally of the top of an existing or proposed cut slope.
- (14) Tops and bottoms of cut and fill slopes shall be set back from existing and proposed property lines a distance at least equal to the lesser of three feet plus $1/5$ of the height of the cut or fill or 10 feet.
- (15) Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will ensure the safety of the structure in the event of the collapse of the cut or fill slopes. Generally, such distance will be considered to be six feet plus $1/5$ the height of the cut or fill but need not exceed 10 feet. Nevertheless, a structure may be built on a slope or at the toe of a slope if it is designed to retain the slope and to withstand the forces exerted on it by the retained slope.

- (16) Measures for the control of erosion and sedimentation shall be undertaken in accordance with the New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2005, most recent version including applicable updates or its successors) or its equivalent satisfactory to the approving authority.
- B. The applicant shall have the burden of proof to demonstrate compliance with this chapter.

ARTICLE III Application Procedures

§ 195-5. Approving authority.

The approving authority for all applications for steep slope permits shall be as follows:

- A. For any application that involves a regulated disturbance in an area of very steep slope or extremely steep slope, the Planning Board shall be the approving authority for the steep slope permit.
- B. The Planning Board shall be the approving authority for any application involving property that is also the subject of a pending site plan, minor site plan, subdivision or special permit application, or fill or excavation permit in accordance with the Code of the Village of Croton-on-Hudson, and for any application that also involves the construction or establishment of a principal building or use.
- C. Except as noted above in § 195-5A and B, the Village Engineer shall be the approving authority for all steep slope permit applications.

§ 195-6. Application requirements.

- A. Required documentation. An application for a steep slope permit shall be made on forms furnished by the Building Department.
- B. Any application for a steep slope permit shall also contain the following:
 - (1) A written narrative explaining the nature of the proposal, including any future development proposals for the property and whether alternative locations exist for the proposed activity.

- (2) A site plan, which shall be drawn at a scale of not less than one inch equals 50 feet and prepared by a landscape architect, architect, professional engineer or other qualified person and showing the following information for all lots on the subject site that contain steep slopes:
 - (a) The location of proposed structures, septic systems, wells and driveways.
 - (b) The location of the proposed area of disturbance and its relation to neighboring properties, together with structures, roads, and affected wetlands as defined in Chapter 227, Wetlands, of the Village Code, if any, within 50 feet of the boundaries of the disturbed area.
 - (c) The existing topography in the proposed area of disturbance at a contour interval of not more than two feet. Contours shall be shown for a distance of 50 feet or greater beyond the limits of the proposed area of disturbance.
 - (d) The location and size of areas of extremely steep slope, very steep slope and moderately steep slope under existing and proposed conditions, in the area of proposed disturbance and within a distance of 50 feet thereof.
 - (e) The proposed final contours of the disturbed area at a maximum contour interval of two feet and proposed surface materials or treatment.
 - (f) An erosion and sedimentation control plan.
 - (g) The details of any surface or subsurface drainage system proposed to be installed, including special erosion-control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion.
- (3) A list of all applicable county, state or federal permits that are required for such work or improvement.
- (4) Payment of all applicable fees.

C. The following information and materials shall be supplied if requested by the approving authority or its representative:

(1) If required, the following items shall be provided on a site plan or site plans drawn at a scale of not less than one inch equals 50 feet, prepared by a landscape architect, architect, professional engineer or other qualified person:

(a) Cross sections of all disturbed steep slope areas.

(b) Existing soils within 50 feet of the proposed disturbed area, taken from field investigations by a soils scientist and classified into hydrologic soil groups. The depth to bedrock and depth to water table, K-factor, and soil and rock strata in all areas of disturbance shall be identified.

(c) A cut-fill map delineating proposed areas of disturbance at affected depths in feet of zero to three feet, three to six feet, six to 10 feet, and 10 feet and over, and the estimated material quantities of cut/fill.

(d) A slope map showing existing and proposed slopes within the disturbed area for each of the soil types described in Subsection C(1)(b) above.

(e) Other information, including specific reports by qualified professionals on soils, geology and hydrology, as may be determined to be necessary by the approving authority.

(2) A plan with the existing topography of the watershed tributary to the disturbed area presented at a scale of not more than one inch equals 100 feet. This map shall show existing and, if required by the approving authority, proposed controls and diversions of upland water.

D. Number of copies. Ten copies of the application and all supporting materials shall be submitted if the Planning Board is the approving authority. Four copies of the application and all supporting materials shall be submitted if the Village Engineer is the approving authority.

- E. A Stormwater Pollution Prevention Plan consistent with the requirements of Chapter 196, Stormwater Management and Erosion and Sediment Control, shall be required for any steep slope permit approval that qualifies as or authorizes a land development activity as defined in Chapter 196. The SWPPP shall meet the performance and design criteria and standards in Chapter 196. The approved steep slope permit shall be consistent with the provisions of that chapter.

§ 195-7. Fees.

- A. An application fee and any inspection fee as set forth by resolution of the Board of Trustees shall be submitted with the application.
- B. The applicant shall pay for professional review fees as provided for in Chapters 115, Environmental Compliance, and 178, Professional Fees, of the Village Code.

§ 195-8. Procedures for review and decision making.

- A. It is the intent of this chapter to incorporate the consideration of steep slope protection into the Village's existing land use and development approval procedures in conjunction with the procedures of the New York State Environmental Quality Review Act. To the maximum extent possible, the review, hearings and decisions upon any application processed under this chapter will run concurrently with similar procedures that the approving authority may undertake in connection with other applications that are directly related.
- B. A preliminary informal consultation with the approving authority may be requested by the applicant so as to present his preliminary proposal and receive comments on such proposal.
- C. During its review of the application, the approving authority will:
 - (1) Determine when an application is complete.
 - (2) Hold a public hearing, if required in accordance with § 195-8D hereof.
 - (3) Review the application to determine that the requirements of this chapter have been satisfied.

- (4) Require posting of a performance, guaranty and/or erosion control bond(s) or other security as a condition of approval, the amount and surety of such bonds to be approved by the Village Board of Trustees and the form of such security to be approved by Village Counsel. The performance and/guaranty bond is intended to ensure the proper completion of the proposed activity in accordance with the approved plans, the restoration of the area to its natural condition as far as practicable and protection of adjoining property owners from damage resulting therefrom. The erosion control bond is intended to ensure the proper installation and maintenance of the erosion control measures. Prior to any bond reduction or release application, the Village Engineer may require the applicant to provide a certificate of construction compliance from a New York licensed engineer. The bond(s) shall remain in effect until the Village Engineer certifies that the work has been completed in compliance with the terms of the permit, the approved building plans, any certificate of construction compliance from a New York licensed engineer required by the Village Engineer, and any required restoration of the area or other required measures to protect adjoining property owners from damage, whereupon the bond shall be released or reduced after authorization of the Village Board of Trustees following public notice and hearing. A substitute bond may be provided as approved by the Village Board of Trustees.
- (5) Approve, approve with conditions, or deny the application, in accordance with the requirements of this chapter within 60 days after the receipt of a complete application, as specified in § 195-6 of this chapter, or after the close of a public hearing on the application, whichever is later. Nothing in this section is to be construed as authorization for a default approval in the event that these periods are exceeded.
- (6) Establish conditions of approval deemed necessary by the approving authority to satisfy the goals, objectives and review standards set forth in §§ 195-1 and 195-4 of this chapter including but not limited to the following:
 - (a) The use of explosives shall be avoided to the maximum extent practicable. Generally, disturbance of rock outcrops shall be by means of explosives only if manual labor and machines are not effective and only if rock blasting is conducted in accordance with the Code of the Village of Croton-on-Hudson and all other applicable regulations by a

person holding a current Class A or Class B certificate of competence from the New York State Department of Labor.

- (b) Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods.
- (c) The disturbance of existing vegetative ground cover shall not take place more than 15 days prior to commencing grading and construction.
- (d) Temporary soil stabilization shall be applied to all areas of disturbance and all adjoining areas within 50 feet thereof within two days after establishing of the final grade, and permanent stabilization and revegetation shall be undertaken within 15 days thereafter. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.
- (e) Temporary soil stabilization shall be applied within two days after the disturbance is completed or when no additional disturbance is to be performed for a period of seven days. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.
- (f) Topsoil that will be stripped from all areas of disturbance shall be stockpiled in a manner so as to minimize erosion and sedimentation, and shall be replaced on the site at the time of final grading.
- (g) Fill material shall be composed only of nonorganic material, including rock with a diameter that will allow for appropriate compaction and cover by topsoil.
- (h) Compaction of fill materials in fill areas shall be such that it ensures support of proposed structures and stabilization for intended uses.

D. Public hearings.

- (1) For any application in which the approving authority is the Village Engineer, no public hearing will be required. For any application where the Planning Board is the approving authority, the Planning Board shall have the option of holding a public hearing.
 - (2) In all cases where a public hearing will be held on the application for a steep slope permit, said public hearing will be held no later than 60 days after the receipt of such complete application. The approving authority will cause notice of such hearing to be published in the Village's official newspaper at least five days prior to the date set for such hearing. All application materials, maps and documents relating thereto shall be open for public inspection at the office of the Village Building and Engineering Department. Nothing in this section is to be construed as authorization for a default approval in the event that these periods are exceeded.
- E. Any approval, conditional approval or denial of a steep slope permit will be in writing. The written decision of the approving authority shall be considered the steep slope permit.
- (1) In the case of a denial or conditional approval, such written decision will state the reasons for the denial and/or the conditions of approval.
 - (2) Where the Planning Board is the approving authority, such decision will be in the form of a resolution.

§ 195-9. Appeals.

- A. An applicant or any other aggrieved person may seek a review of a determination by the Planning Board to grant or deny a steep slope permit by the commencement of an action pursuant to the provisions of Article 78 of the Civil Practice Law and Rules.
- B. In the case of an application decided by the Village Engineer, the applicant or any other aggrieved person may seek a review by appealing to the Planning Board, in which case the Planning Board shall become the approving authority for such application. Such review shall be requested not later than 20 days after the filing of the subject decision by the approving authority. If such appeal is not filed within said period, the determination of the Village Engineer shall be final and binding.

§ 195-10. Completion of work.

- A. A steep slope permit, issued by the approving authority, will be valid for a period of three years, except that all permits shall expire on completion of the work specified. The approving authority may grant one six-month extension to this three-year period, provided that an application for an extension is submitted at least 60 days before the expiration of the steep slope permit. Standards for the issuance of renewals will be the same as those applied to the initial issuance of steep slope permits. Permits, including all of their conditions, shall be binding on successors and assignees of the applicant. Upon receipt of a steep slope permit, the applicant may apply for a work permit from the Building Inspector to commence the actual work within the steep slope area. The work permit will be valid for a period of one year or until expiration of the steep slope permit, whichever occurs first.
- B. Following completion of the work, the applicant shall submit a certification by a landscape architect, architect or professional engineer that the completed work meets the requirements of the steep slope permit. The Village Engineer will verify that the work has been completed in accordance with such permit. Submission of an as-built survey may be required by the approving authority or the Village Engineer.
- C. The Building Inspector shall not issue a certificate of occupancy or use until the Village Engineer has verified that all work has been completed in accordance with the steep slope permit.
- D. Any proposed revision to work covered by a steep slope permit shall be reviewed by the Village Engineer. Where the Village Engineer determines that a substantial revision is proposed, the submission of a new application to the approving authority shall be required.
- E. The approving authority, after notice to the permit holder and an opportunity to be heard, may revoke or suspend a steep slope permit if it finds that the applicant has not complied with any or all of the terms of such permit, has exceeded the authority granted in the steep slope permit or has failed to undertake the project in the manner set forth in such steep slope permit.
- F. Issuance of a stop-work order by the Village Engineer shall be as provided in Section 86-14 of the Village Code. A stop-work order may be appealed

- by filing a written notice of appeal with the Planning Board not later than 30 days after service of the stop-work order upon the applicant. A hearing shall be scheduled by the Planning Board within 20 days of receipt of request for a hearing. After the close of the hearing, the Planning Board may confirm, modify or cancel the stop-work order.
- G. The approving authority shall set forth, in writing, in the permit application file it keeps, its findings and reasons for revoking or suspending a permit pursuant to this section.

ARTICLE IV Enforcement

§ 195-11. Inspection.

Any site for which an application has been submitted shall be subject to inspection at any reasonable time, including weekends and holidays, by the members of the approving authority or its designated representatives. Notice will be provided to applicants of any site inspection that is to be performed on a weekend, a legal holiday or between the hours of 6:30 p.m. and 8:00 a.m. The applicant shall indemnify and hold the Village, its officers, employees and agents harmless against any damage or injury which may be caused by or arise out of any entry onto the subject site in connection with the processing of the application or inspection of the site to determine compliance with any conditions of permit approval during the pendency of the application, during the effective period of any steep slope permit or work permit issued for the site and for up to one year after completion of the work.

§ 195-12. Penalties for offenses.

- A. Any person who undertakes any regulated activity without a steep slope permit required by this chapter or who violates any condition attached to a steep slope permit or who otherwise violates any provision of this chapter shall be guilty of an offense, punishable by a fine of not less than \$500.00 nor more than \$1,000.00. For a second and each subsequent offense, the violator shall be guilty of an offense punishable by a fine of not less than \$1,000.00 nor more than \$2,000.00 or a term of imprisonment of not more than 15 days, or both. Each violation of the provisions of this chapter shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. In addition, any court having jurisdiction may order or direct a violator to restore the affected steep slope area to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable

- time for the completion of such restoration, which shall be effected under the supervision of the Village Engineer.
- B. In addition to the criminal penalties provided under §195-12A, any person who undertakes any regulated activity within a steep slope area without both a steep slope permit and a work permit or who violates any condition attached to a steep slope permit or who otherwise violates any provision of this chapter shall be liable for a civil penalty not to exceed \$3,000.00 for each such violation. Each consecutive day of the violation shall be considered a separate offense. Before assessment of the civil penalty, the alleged violator shall be afforded a hearing or opportunity to be heard before the Planning Board upon due notice, and with rights to specification of the charges and representation by counsel. Such civil penalty may be recovered in an action brought by the Village in any court of competent jurisdiction. Such civil penalty may be released or compromised by the Village, and any action commenced to recover the same may be settled and discontinued by the Village.
- C. The Planning Board also shall have the power, following a hearing, to direct a violator to cease violation of this chapter and under the Board's supervision, to restore satisfactorily the affected steep slope area to its condition prior to the violation, insofar as that is possible, within a reasonable time. Exercising of such power may be with or without the imposition of a fine or civil penalty under Subsections A and B hereof.
- D. Any civil penalty or order issued by the Planning Board shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.
- E. The Village shall have the right to seek equitable relief to restrain any violation or threatened violation of any provision of this chapter and to compel the restoration of the affected steep slope area to its condition prior to the violation of the provisions of this chapter.
- F. The Village shall not issue a building permit, temporary certificate of occupancy or certificate of occupancy for any property for which a violation of this chapter has been served, or for which an administrative or judicial proceeding has been commenced under this section, until said violation or proceeding is dismissed or resolved to the satisfaction of the approving authority or court, as is appropriate.
- G. The Village Engineer and Code Enforcement Officer(s) are hereby authorized to issue appearance tickets for violations of this chapter.

§ 195-13. Pre-existing approvals and permits.

A. The provisions of this chapter shall not apply to any development, alteration or improvement of property for which final approval has been obtained and not expired and for which the approved work has not been completed prior to the effective date of this chapter.

B. As used in this section, the term "final approval" shall mean:

- (1) In the case of an application for the subdivision of land not requiring further site plan approval, adoption by the Planning Board of a resolution granting approval or conditional approval of a final plat.
- (2) In the case of an application for a site plan approval, adoption by the Planning Board of a resolution granting approval or conditional approval.
- (3) In those cases not covered by Subsection A or B above, the prior issuance of a building permit, driveway permit or other authorization for the commencement of the development, alteration or improvement of property; or for those developments, alterations or improvements for which the Village of Croton-on-Hudson does not require such permits, the actual commencement of the development, alteration or improvement of property.

§ 195-14. Severability.

If any provision of this chapter shall be held for any reason to be invalid, such determination shall not invalidate any other provision hereof.

SECTION 3. This local law shall take effect immediately upon filing in the office of the Secretary of the State of New York in accordance with the provisions of the Municipal Home Rule Law.

Trustee Gallelli said that the old law had many ways to get around the protections that we are seeking, this law addresses those situations and while it is complex and very hard to understand we will have a better law and better protection.

Trustee Olver said that he is satisfied that this new law will provide more consistent protection but continues to maintain a certain dissatisfaction with respect to the drafting which is far from user friendly.

Trustee Brennan stated that he will recuse himself from voting on this law because he has property in the Village that may be subject to the new regulations.

Acting Village Manager Abe Zambrano commented that the Planning Board had a very significant impact on how this law was drafted and they are very much in favor of the new law.

Mayor Schmidt stated that in addition to staff comments, the Board met with various Boards to discuss this and is very satisfied with the law. Mayor Schmidt said that he hopes that they have been able to clarify some of the misunderstandings this evening. Mayor Schmidt said that this is a better law, the Planning Board is going to be charged with doing a lot more work when it comes to looking at permits that come before them; it will give them a lot more power and ability to request information and to look at that information in a much more broad and scientific way and it will protect both the residents around that piece of property and the environment in Croton.

b. Mayor Schmidt opened the Public Hearing to consider Introductory Local Law No. 2, Making Technical Corrections to the current Wetlands and Trees Law, Section 1, Paragraph A of Section 208-24.

Mr. Steinman asked that the following be added to Section 2 to read ***"the first paragraph of "*** K of Section 227-8 of the Code of the Village of Croton on Hudson is amended to read as follows" so that there will be no confusion when the Local Law is sent to General Code for revision to the Code.

Rick Turner, 35 Trusdale Drive, referred the Board to a letter he wrote regarding the current Wetlands Law. Mr. Turner said that he does not believe that the current Wetlands Law is more protective of our environment. Mr. Turner stated that he also objects to the fact that this is being called a technical correction or a minor change. Mr. Turner said that what is being added here was noticed and this provides an opportunity to be heard which is fundamentally a due process right in this country.

Mayor Schmidt thanked Mr. Turner for his letter and comments regarding the Wetlands Law.

Abe Zambrano acknowledged receipt of Mr. Turner's letter and with advice from Legal Counsel the Board has put his letter into the record and has sent the recommendations to the Village's consultants and will be taking them into consideration when the Board reviews the Wetlands Law in its entirety.

Mr. Steinman acknowledged receipt of Mr. Turner's letter and suggested that he also put in writing any other comments so that they have a written template. Mr. Steinman said that this evening's public hearing is based on a very limited scope and amends both the Wetlands Law and the Tree Law in a very minor capacity. Mr.

Steinman said that the fundamental rights that Mr. Turner spoke about will exist whether or not we amend this law or not it is just the technical part of putting them in. Mr. Steinman said that this memorializes what exists already today and suggested that the Board go forward with this change without prejudice to the future consideration of the comments that Mr. Turner made in his letter.

Mayor Schmidt closed the public hearing.

On motion of TRUSTEE Gallelli, seconded by TRUSTEE Olver, the following Local Law was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

Local Law No. 2 of the year 2008

A local law making technical corrections to the Village's Wetlands and Trees laws.

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section 1. Paragraph A of §208-24 of the Code of the Village of Croton-on-Hudson is amended to read as follows:

A. The approving authority after notice to the permit holder and an opportunity to be heard may revoke or suspend a tree removal permit if it finds that the applicant has not complied with any or all of the terms of such permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth in the approved application."

Section 2. The first paragraph of Paragraph K of §227-8 of the Code of the Village of Croton on Hudson is amended to read as follows:

K. The approving authority after notice to the permit holder and an opportunity to be heard may revoke or suspend a wetlands permit if it finds that the applicant has not complied with any or all of the terms of such permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth in the approved application."

Section 3. This local law shall take effect immediately upon its adoption and its filing in the office of the Secretary of State. INSERT LOCAL LAW - moved by Gallelli and seconded by Brennan, all in favor.

Motion to amend the Local Law to add the following words to Section 2 as follows: "***the first paragraph of*** " was made by Trustee Gallelli and seconded by Trustee Brennan, all in favor.

- c. Mayor Schmidt opened the Public Hearing to consider Introductory Local Law No. 4 Amending Chapters 108 and 168 To Allow Dogs Access to a Designated Area in Black Rock Park

Dick Nagle, 88 Radnor Avenue, said that he is in favor of the law and thanked and applauded the Board for addressing this issue and allowing the community to try this out.

Joe Carlisle, 46 Old Post Road North, Croton, said that he is in favor of the Law; dogs need to have a space to be exercised.

Susan Snyder, Superintendent of Recreation and Parks, read an e-mail that she received from Holly Clark suggesting the following:

- hours/alternate days; Monday, Wednesday, Friday 9:00pm-2:00pm and Tuesday and Thursday, 2:00pm-6:00pm
- early morning, evening and weekend hours should be limited or non-existent to respect the nearby residents who are unanimously against the park
- alternating days will give groups like the Tai-Chi Class a secure time in which they can enjoy the main lawn and also assure residents of some bark-free daylight.
- allow days when she can expect quiet time

Joe Streany, 9 High Street, stated that he is not against dogs and not against a dog park but feels that this is misplaced. Mr. Streany wondered how the concerns raised at the various meetings will be addressed and asked that they be reconsidered. Mr. Streany asked if a length of time has been determined or if this is opened ended. Mr. Streany also referred to recent dogs attacks in the Village and said that these are the concerns that he has.

Jane Murtaugh, 6 Michaels Lane, thanked the Board for working on this. Ms. Murtaugh said that she felt that concerns raised were addressed but would be happy to forward that information again. Ms. Murtaugh said that she understands that Croton's parks are for use by people, but there are also a lot of people who have dogs that would like to have a place to take them.

Mayor Schmidt stated that the Board will be meeting with the dog owners and homeowners in that area to work out the Rules and Regulations so we are all on the same page. Mayor Schmidt said that staff has already begun to review them and are in the process of making some minor changes.

Mr. Zambrano said that the Rules and Regulations have not been written as part of the Local Law, they are separate so that they can be shaped as we go along with the process and can be changed if needed without having to go through the Local Law process.

Eleanor Soderlund, 57 High Street, encouraged dog owners to please pick up after their dogs and also asked parents to remind their children when walking the family dog that they must also pick up after their pet.

Cliff Clark, 28 Quaker Bridge Road, Croton, asked if the Board has a timeframe.

Mayor Schmidt said that hopefully they can set up a meeting within the next couple of weeks to begin the process, the staff has reviewed the Rules and Regulations and it is a matter of sitting down with the homeowners and Recreation Advisory Committee to hammer out the details.

Mr. Zambrano advised that a Local Law does not become effective until it is filed with the Secretary of State.

Village Attorney Feldman stated that it usually takes 20-30 days for the Secretary of State to file it.

Resident, no name, asked if the Police will be included in the discussions as far as setting up how this will operate. The resident expressed concern that cell phones do not work in this area and this could potentially be a problem in an emergency if telephones were the only way to get in touch with emergency personnel.

Mayor Schmidt advised that the Police Chief was included in the initial meetings but he will ask that he be present during the upcoming meetings to discuss these issues.

Mayor Schmidt closed the Public Hearing.

On motion of TRUSTEE Gallelli, seconded by TRUSTEE Olver, the following resolution was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village Board is considering allowing dog owners to bring their licensed dogs to a designated area in Black Rock Park; and

WHEREAS, Local Law Introductory No. 4 of 2008 Amending Chapters 108 and 168 has been drafted; and

WHEREAS, the issue of allowing dogs unleashed access to a designated area in Black Rock Park has been the subject of a number of work sessions; and

WHEREAS, this Introductory Local Law has been reviewed by the Superintendent of Recreation & Parks and the Village Attorney; and

WHEREAS, on July 7, 2008 the Board of Trustees called for a Public Hearing to be held on this date to consider Local Law Introductory No. 4 of 2008; and

WHEREAS, a Short Environmental Assessment Form has been drafted,

NOW THEREFORE BE IT RESOLVED: that the Village Board of Trustees does hereby determine, based on the Environmental Assessment Form submitted to and reviewed by the Board, that this is an unlisted action and issues a Negative Declaration,

AND BE IT FURTHER RESOLVED: that the Village Board of Trustees adopts Local Law Introductory No. 4 of 2008 amending Chapters 108 and 168.

Village Attorney asked that the following language be added to the Local Law as follows:

Change F. a. Croton Landing Park River walk Trail to read ***Croton Landing Park: River walk Trail***

Change F. b. Add the following highlighted word to the first sentence to read Dog owners may bring their ***restrained*** licensed dogs.

Change to each paragraph to reflect ***Black Rock Park*** at then end of each paragraph in Sections F. b., D. a., and D. b.

On motion of TRUSTEE Gallelli, seconded by TRUSTEE Brennan, the following local law with the amendments suggested by Attorney Feldman was unanimously adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

Local Law Introductory No. 4 of the year 2008

A local law to amend Chapters 108 and 168

Be it enacted by the Board of Trustees of the **Village of** Croton-on-Hudson **as follows :**

Section 1. Chapter 108, Section 6, Letter F of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

F. Be on any public park, playground, ballfield, or school property or on the property of another person without the consent of such other person, whether or not restrained by a chain or leash. Provided, however, that the following exceptions apply:

a. Croton Landing Park: Riverwalk Trail

Dog owners may walk their leashed dogs, with a leash no more than six (6) feet in length, only on the Riverwalk Trail within Croton

Landing Park and only during posted hours that the park is open. It shall be unlawful for any owner of any dog to permit or allow such dog to be in any other areas within Croton Landing Park except as are necessary to access the Riverwalk Trail from the Croton Landing Parking Lot.

b. Black Rock Park

Dog owners may bring their licensed restrained dogs to a designated area within Black Rock Park where dogs may be allowed access not restrained by a chain or leash subject to certain conditions outlined by the Village Recreation & Parks Department. It shall be unlawful for any owner of any dog to permit or allow such dog to be in any other areas within Black Rock Park except as are necessary to access the designated area within Black Rock Park.

Section 2. Chapter 168, Section 8 Letter D of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

D. Permit or allow any dog or other domestic animal within the aforesaid facilities. Provided, however, that the following exceptions apply:

a. Croton Landing Park: Riverwalk Trail

Dog owners may walk their leashed dogs, with a leash no more than six (6) feet in length, only on the Riverwalk Trail within Croton Landing Park and only during posted hours that the park is open. It shall be unlawful for any owner of any dog to permit or allow such dog to be in any other areas within Croton Landing Park except as are necessary to access the Riverwalk Trail from the Croton Landing Parking Lot.

b. Black Rock Park

Dog owners may bring their licensed restrained dogs to a designated area within Black Rock Park where dogs may be allowed access not restrained by a chain or leash subject to certain conditions outlined by the Village Recreation & Parks Department. It shall be unlawful for any owner of any dog to permit or allow such dog to be in any other

areas within Black Rock Park except as are necessary to access the designated area within Black Rock Park.

Section 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

Mayor Schmidt said that the Board will continue to look into other areas in the Village and reminded dog owners that the Board is going to put the burden on them to live up to the Rules and Regulations set forth by the Village. Mayor Schmidt also asked that dog owners be mindful of what needs to be done to make this a safe area.

Trustee Olver said that this is an experiment and we are hopeful it will work but we will be looking at this very closely especially those issues that were raised by residents opposed to this. Trustee Olver said that the Board will continue to identify other areas as we go through this experimental period. Trustee Olver said that he believes that the dog owners and local residents can make this work.

Trustee Gallelli said that she is excited about trying this experiment and is optimistic that it is going to work out and is looking forward to seeing it happen.

Trustee Brennan said that he is also optimistic that this will work and encouraged the dog owners to work closely with the residents, staff and Recreation Advisory Committee so that it gets off to a good start.

5. CORRESPONDENCE

a. Letter from Cheryl Winter Lewy, Chair, County Planning Board dated June 30, 2008 enclosing a copy of the Westchester 2025 Context and Policies Guide to County Planning

b. Letter from Cheryl Lewy, Chair, County Planning Board dated July 8, 2008 advising of a new County Web Site that will include individual pages for local municipalities

It was agreed that the Mayor and Trustees would email Janine King with any suggested changes to the proposed web-page for Croton.

c. Letter from the Public Service Commission issued July 8, 2008 soliciting comments regarding the Safety of Con Edison's Electric Transmission and Distribution Systems

d. Letter from Village Engineer, Dan O'Connor dated July 16, 2008 notifying the Board that Pasquale Mastrantuono of 30 Brook Street has requested a six month extension to his Building Permit.

On motion of TRUSTEE BRENNAN seconded by TRUSTEE OLVER, the Board approved a six month extension of Pasquale Mastranruno's Building Permit #20060064. The motion was unanimously approved by the Board of Trustees of the Village of Croton-on-Hudson, New York

6. CITIZEN PARTICIPATION - AGENDA ITEMS

Joe Streany, 9 High Street, Croton, stated that with respect to the Steep Slopes Law he suggested that it would have been more helpful to the residents if some examples or impacts of what the change in the law would have on certain parcels in the Village.

Mayor Schmidt said that this was a good suggestion and will try to do this in the future.

7. RESOLUTIONS

a. On motion of TRUSTEE BRENNAN seconded by TRUSTEE GALLELLI, the following resolution was unanimously approved by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, the Village has leased the Asbury United Methodist Parking Lot area for many years to provide additional off street parking for the Upper Village Area, and
WHEREAS, the last agreement expired on May 31, 2008 and it is the desire of both the Village and the Asbury United Methodist Church to continue this lease arrangement for the use of the parking lot,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the lease agreement with the Asbury United Methodist Church for the use of their parking lot for the period of June 1, 2008 to May 31, 2013 at a yearly rental cost to the Village of \$4,000 per year.

8. CITIZEN PARTICIPATION – NON-AGENDA ITEMS

Don Daubney, 45 Bungalow Road, noticed last week that the recommendations from the Harmon Business District were made at the Work Session and asked what is the Village Board's next step.

Mayor Schmidt said that the next step is to have a much more detailed Work Session with the Committee to get into the details of the report and to give the Board an opportunity to ask a lot more questions. Mayor Schmidt said that this information will also be given to the public so that the public will have an understanding of what the Committee has been working on.

Trustee Gallelli stated that the power point presentation along with the contextual language that was presented is now available on the Village's web-site.

Ann Lindau, 417 Half Moon Bay Drive, and Town Council Member, invited the Board and residents to a Ground Breaking Ceremony for the Town of Cortlandt Youth Center on July 23rd. Ms. Landau said that the Town Council has been working with the Village Board and is pleased to announce that the Croton seniors will have the ability to use the center on Friday afternoons for their luncheons. Ms. Lindau advised that the Center will provide an outdoor basketball court, indoor rock climbing court, computer rooms and a large meeting room. Ms. Landau announced that on July 28th a hearing will be held regarding the Montrose VA and services that are provided in Montrose. Ms. Landau said that the Town is supporting keeping the services in Montrose and encouraged everyone to attend. Ms. Landau also advised that the Town is also building a Dog Park at Sprout Brook and residents may also avail themselves to this once it is completed in the Fall. Ms. Landau, speaking as a Croton resident, stated that ,with respect to the Harmon Business Report, she is concerned with the increase in the square footage of the Nappy and Dodge properties because it would be too much density to that area.

Joe Streany, 9 High Street, said that the sewer smell at Riverside Avenue, at the foot of High Street and in the Fire Station has been horrendous and it has been going on for a long time now. Mr. Streany said this is caused by a force main that comes out of Skyview and hopes that the Village can find a permanent engineering solution to this. Mr. Streany said that about a year ago a letter was sent out preparing for the High Street Drainage Project and asked when this project will be begin. Mr. Streany said that he gets water every time it rains and encouraged this project to go forward.

Eleanor Soderlund, 57 High Street, advised that Croton's esteemed centenarian, Ed Rondthaler who celebrated his 103rd birthday this June has moved to Utah to live with his son.

9. APPROVAL OF MINUTES:

Trustee Brennan made a motion to approve the minutes of the Executive Session held on Monday, June 30, 2008 at 7:35pm. Trustee Gallelli seconded the motion. The Board voted unanimously to approve the minutes.

Trustee Brennan made a motion to approve the minutes of the Regular Meeting held on Monday, July 7, 2008. Trustee Olver seconded the motion. The Board voted unanimously to approve the minutes.

10. REPORTS

Acting Village Manager Abe Zambrano, announced that the Recreation Department organized a memorial service for Manny Lopez at Senesqua Park. Mr. Zambrano said it was well attended and thanked the family for allowing the Village to memorialize him at Senesqua Park.

Mr. Zambrano advised that paving in the Upper Village has been delayed and will include the area on Maple Street from the traffic light at Old Post Road South towards Olcott.

Trustee Olver congratulated everyone who helped with the organization of the very successful garden tour to aid the Arboretum and encouraged everyone to join and support the Arboretum. Trustee Olver thanked the Village staff for their help in intervening with Hudson National to get the flow into the Arboretum back up to the agreed levels which is essential for the wetlands. Trustee Olver said that there is a looming concern on the Cortlandt side regarding a proposed development of half a dozen houses on the edge of fairly steep slopes with septic systems which drain into intermittent streams that lead into the Arboretum. Trustee Olver said that the Village is preparing to state their views on this matter. Trustee Olver advised that the Conservation Advisory Committee at their last meeting reviewed a number of possible suggestions for Village action on the environment and these have been forwarded to the Board and will be discussed at upcoming meetings. Trustee Olver also shared his concern regarding some serious incidents in the last few weeks. Trustee Olver said that while Croton does not expect much crime, crime does occur and we should commit to being more aware of our surroundings. Trustee Olver said that with respect to the Harmon Business Committee report, he looks forward to a number of discussions as the Board examines the recommendations.

Trustee Gallelli stated that the Harmon Business Committee report is a good document with a set of recommendations which is now available on our web-site. Trustee Gallelli said that this will require a lot of attention to make sure residents are fully informed and recommended that residents take advantage of viewing it on line. Trustee Gallelli advised that on July 31st the Town and Village will be holding another joint meeting on the Croton River Compact to address issues concerning the Croton River. Trustee Gallelli congratulated Rudi Fasciani on receiving his 30 Years of Service Award. Trustee Gallelli said that Rudy has been a mainstay in this Village and has contributed on so many different levels.

Trustee Brennan also congratulated Rudy Fasciani, he has known him for over 20 years, he is a wonderful person, great with kids, and very hard working. Trustee Brennan thanked Councilwoman Landau for reminding us about the dedication of the new Youth Center; Croton has a great opportunity to take advantage of this new facility. Trustee Brennan said that the Harmon Business Committee gave a great presentation and we will take our time to look over the points that were addressed and make sure that there is plenty of citizen participation.

Mayor Schmidt said that he is looking forward to working with the Town of Cortlandt to see how we can share services on a much more productive basis to help save tax dollars. Mayor Schmidt said that it was very exciting to hear the Harmon Business Committee report, we are not going to rush anything because there are a lot of questions that have to be answered. Mayor Schmidt said that he hopes that the public will be a part of this discussion and share with the Board their vision of this area.

Regular Board Meeting

July 21, 2008

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Mayor Schmidt said that we are trying to help the economy here in Croton and reiterated that shopping locally is the most important thing that we can do to help our local businesses be successful. Mayor Schmidt announced the Sidewalk Sale in the Upper Village this coming Friday and Saturday

There being no further comments to come before the Board, a motion to close the meeting at 11:10pm was made by Trustee Brennan and seconded by Trustee Olver. Motion was unanimously approved.

Village Clerk